

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: ED CV 18-01505 AB (RAO) Date: October 24, 2018
Title: Hicks v. Doe, et al.

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

<u>Donnamarie Luengo</u>	<u>N/A</u>
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

N/A

N/A

Proceedings: (In Chambers) **ORDER DISMISSING SECOND AMENDED
COMPLAINT WITH LEAVE TO AMEND [10]**

Plaintiff Romeo Righteous Hicks (“Plaintiff”) filed a First Amended Complaint (“FAC”) on September 11, 2018. (Dkt. No. 6.) On September 25, 2018, the Court dismissed the FAC with leave to amend and directed Plaintiff to file a Second Amended Complaint (“SAC”) by October 25, 2018. (Dkt. No. 9.) The Court reminded Plaintiff that his SAC must “be complete in and of itself and not refer in any manner to the original Complaint or FAC, *i.e.*, it must include all of the claims on which Plaintiff seeks to proceed.” (*Id.* at 9.)

On October 23, 2018, Plaintiff filed his SAC. (Dkt. No. 10.) The SAC consists of 14 exhibits, but it contains no factual allegations or causes of action. The SAC therefore fails to state a claim, and it must be DISMISSED.

If Plaintiff intends to pursue this matter, he shall file a “Third Amended Complaint” by November 24, 2018.

Any amended complaint must: (a) be labeled “Third Amended Complaint”; (b) be complete in and of itself and not refer in any manner to prior complaints, *i.e.*, it must include all of the claims on which Plaintiff seeks to proceed, Local Rule 15-2; (c) contain a “short plain” statement of the claim(s) for relief, *see* Fed. R. Civ. P. 8(a); (d) make each allegation “simple, concise and direct,” Fed. R. Civ. P. 8(d)(1); (e) make allegations in numbered paragraphs, “each limited as far as practicable to a single set of circumstances,” Fed. R. Civ. P. 10(b); (f) set forth clearly the sequence of events giving rise to the claims for relief; and (g) allege with sufficient specificity what each defendant did and how that individual’s conduct violated Plaintiff’s civil rights.

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If Plaintiff elects not to proceed in this action, he may expedite matters by signing and returning the attached Notice of Dismissal by the foregoing deadline which will result in the voluntary dismissal of this action without prejudice.

Plaintiff is cautioned that, absent further order of the Court, his failure to timely file a Third Amended Complaint or Notice of Dismissal may result in the dismissal of this action with or without prejudice on the grounds above or for failure to diligently prosecute.

The Clerk is directed to provide a Central District of California Civil Rights Complaint Form, CV-66, to Plaintiff to facilitate his filing of a Third Amended Complaint if he elects to proceed in that fashion.

IT IS SO ORDERED.

Attachments:

Notice of Dismissal

Form CV-66

Initials of Preparer :
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